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Anguilla

Working paper prepared by the Secretariat

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I. General

1. Anguilla is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory lies 240 kilometres east of Puerto Rico, 113 kilometres north-west of Saint Kitts and Nevis and 8 kilometres north of St. Maarten/St. Martin. The Territory has a relatively flat topography, with a few rolling hills rising to the highest elevation of 213 feet, comprises a total area of 96 square kilometres and includes several offshore islets. The main island has a maximum length of 26 kilometres and a maximum width of 5 kilometres. The capital of Anguilla is The Valley, where 43 per cent of the population resides.

2. An unofficial estimate for 2010 provided by the administering Power puts Anguilla's population at 16,318, with an annual growth rate of approximately 4 per cent.[1] Several thousand Anguillians live abroad, in particular in the United Kingdom, the United States of America and the United States Virgin Islands. Of the total population, 99 per cent speak English. Spanish or Chinese are the most common mother tongues among non-English speakers.

3. The currency of Anguilla is the Eastern Caribbean dollar (EC$), which is aligned with the United States dollar at approximately EC$ 2.70. Major trading partners are North America, mainly the United States, and the Caribbean region.

4. Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650. In terms of administrative and constitutional arrangements, Anguilla was periodically associated with Saint Kitts and Nevis over the years, as well as various regional structures. Following the 1962 dissolution of the Federation of the West Indies, in February 1967 Saint Kitts-Nevis-Anguilla became a State in association with the United Kingdom. Following demonstrations demanding secession from Saint Kitts and Nevis, a referendum held in Anguilla in July the same year resulted in 1,813 votes to 5 in favour of secession. Under the Anguilla Act of 1971 the United Kingdom reassumed direct responsibility for the administration of the Territory and a separate constitution came into effect in February 1976. In 1980, the Territory became a dependency of the United Kingdom.

5. The basis of the current relationship between the United Kingdom Government and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens".

II. Constitutional, legal and political issues

6. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of a Governor, an Executive Council and a House of Assembly. The Governor, who is appointed by the

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous working papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] Information provided by the administering Power on 14 January 2011.

United Kingdom, is responsible for defence, external affairs, internal security, including the police and prison services, international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult with and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

7. According to the administering Power, Alistair Harrison was appointed Governor in April 2009 upon the retirement of Governor Andrew George.

8. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chairman. The House of Assembly is elected for five-year terms. It comprises a Speaker, seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members nominated by the Governor, one of whom is appointed upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

9. General elections were held in Anguilla on 15 February 2010, and resulted in a change of government from the Anguilla United Front (AUF), an alliance of the Anguilla Democratic Party and the Anguilla National Alliance, to the Anguilla United Movement (AUM) under Hubert B. Hughes, with four seats. AUF won two seats and the Anguilla Progressive Party (APP) one seat. Approximately 8,650 persons were eligible to vote. There was a high turnout of voters, with up to 80 per cent reported in some electoral districts. According to the administering Power, on 28 June 2010, an opposition member crossed the floor giving the territorial Government five out of the seven elected members. General elections saw a woman taking the Chair for the first time as Speaker. The next general elections are due by March 2015.

10. The law of Anguilla is the common law of the United Kingdom, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant Court based in Saint Lucia, which comprises a Court of Appeal and a High Court of Justice, courts of summary jurisdiction and a magistrates court.

11. In the context of efforts to modernize the Territory's Constitution, in early 2006 the territorial Government established a Constitutional and Electoral Reform Commission which in July the same year recommended changes to the current constitution, designed to provide the Territory with more internal self-governance. In 2008, a team was set up in the Territory to draft a new constitution using the concept of internal self-government as the basis for the exercise. As previously reported, in 2009 the new draft constitution was presented for public consultation, and discussion on it with the United Kingdom was expected to begin in 2010. No further information has become available on this matter.

12. At the beginning of 2011, amidst growing tension between the Governor and the territorial Government over budgetary and economic matters, the Chief Minister appealed to the people of Anguilla peacefully to contemplate an "economic revolution" with a view to determining whether the Territory was going to start

seriously to move towards independence or "allow the administering Power continually to increase their powers". The Chief Minister stated that the handling of the Territory's current economic crisis by the administering Power revealed that "we cannot be afraid any longer to talk about independence". Additional information on related developments can be found in the section below.

III. Budget

13. According to the administering Power, in April 2010 the Chief Minister and Minister of Finance presented the 2010 budget to the House of Assembly, stating that the recurrent expenditure for 2010 was projected at approximately EC$ 212 million, with capital expenditure projected at approximately EC$ 10 million. Reserves at the end of December 2009 stood at EC$ 1.88 million. The April 2010 budget was withdrawn from the House of Assembly prior to voting and another budget presented to the House and passed in June 2010. In the June 2010 budget, the recurrent expenditure for 2010 was projected at approximately EC$ 205 million, with capital expenditure projected at approximately EC$ 8.5 million. Recurrent expenditure for 2010 was estimated to be 12 per cent lower than the estimate provided for in the 2009 budget. Capital projects for 2010 focused on addressing the need to stabilize the Anguillian economy and supporting and enhancing economic growth, while providing the necessary supporting social development and protection.

14. According to media reports, in 2010 the territorial Government continued the practice of borrowing funds from the Eastern Caribbean Central Bank to pay the salaries of public servants. In view of the dire situation with regard to the public finances in 2010/2011, the new territorial Government has engaged in a number of public outreach exercises, including the holding of special meetings and rallies with the public.

15. On 6 January 2011, the Governor issued a statement indicating that he would not be signing the 2011 budget as presented by the Chief Minister and Minister of Finance, and that United Kingdom Government Ministers would be writing to the Government of Anguilla explaining the background to that decision and proposing a way forward so that the Governments of the United Kingdom and Anguilla could agree on a budget for 2011 that puts Anguilla's public finances onto a more sustainable footing. In taking this step, the British Government had not indicated that it sought to impose a particular budget settlement, or a particular level of reduction in expenditure or in the numbers of public service employees, but that it would expect the cooperation of the Government of Anguilla in moving forward. At the same time, the media reported that a possible reduction in public sector expenditure by as much as 30 per cent was under discussion.

16. In Anguilla there are no income, estate, capital gains, corporation, value added or goods and services taxes. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves. According to the territorial Government, a significant proportion of revenues comes from sources such as stamp duty and work permits, which are considered unpredictable revenue streams.

17. Anguilla has acceded to the Organization for Economic Cooperation and Development international standard in taxation. According to the administering

Power, the Territory became fully compliant with international tax information exchange standards following the signing of two new agreements in early 2010.

IV. Economic conditions

A. General

18. According to the territorial Government, the Territory's gross domestic product (GDP) for 2009 was approximately EC$ 298 million, representing a decline of some 22 per cent over the 2008 figure of approximately EC$ 379 million. The largest contributor to GDP in 2009 was the banking and insurance sector, representing 27.3 per cent of GDP. In 2008 the construction sector was the largest contributor to GDP, but the prevailing financial crisis and downturn in tourism-related construction and construction in general on the island resulted in a decline of 58.87 per cent in 2009. By the end of 2010, the public sector was the biggest employer on the island, with the private sector underperforming. A growth rate of 4.34 per cent was recorded for the public sector in 2009. According to the administering Power, the contribution of Government highlights the importance of the sector to the economy, especially in tough financial times.

19. The main industries in Anguilla are tourism; offshore incorporation and management, and banking; and fishing. Construction and tourism are the main sources of economic growth. Anguilla's economy is highly vulnerable to downturns in the global economy, high international oil prices and unfavourable weather conditions.

B. Tourism

20. Luxury tourism continues to be central to the economy. According to the territorial Government, this sector underperformed in 2010. In 2009, the decline in tourism activity saw the hotel and restaurant sector moving from the No. 1 to the No. 2 spot in terms of contribution to GDP, of which it represented approximately 24.6 per cent. The Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

21. According to the territorial Government, three prime economic sites, Flags Luxury, Cap Juluca and Viceroy, were permitted to breach the Territory's alien land-holding policy before it took office in 2010. In the view of the territorial Government, these developments were carried out to ensure that there was no trickle-down effect to the local economy by using external labourers on the projects. For their part, as reported in the media, voices from the private sector similarly expressed concern about the Territory's "serious real estate debacle" that was negatively affecting the tourism and related sectors. The Chief Minister appealed to the private sector and others to promote positive discrimination in tourism development in favour of the Territory's population, followed by other Caribbean nationals.

C. Financial services

22. Anguilla has a small international finance sector, specializing in insurance, mutual funds, trust and company registration, for whose regulation the administering Power is directly responsible. According to the administering Power, the industry includes four commercial banks, two of which are funded by indigenous capital, the National Bank of Anguilla and Caribbean Commercial Bank (Anguilla), and 53 trust companies, among others. In 2010, the sector was responsible for approximately 6 per cent of employment and generated around 12 per cent of GDP.

23. Anguilla's Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licensees, monitoring of financial services in general, reviewing existing financial services legislation and making recommendations for new legislation, as well as maintaining contact with appropriate foreign and international regulatory authorities.

24. In 2010, Anguilla signed a memorandum of understanding (MOU) with the United Kingdom Government related to the survey and certification of ships on the register of shipping in Anguilla. The MOU provides the opportunity to increase the size of the Anguillian fleet by allowing for the registration of vessels in private use up to 400 gross tonnes, the previous limit being 150 gross tonnes. Expanding the registration capabilities of the local ship registry is expected to increase financial activity in the sector and will also provide linkages to other areas in the financial sector.

D. Agriculture and fisheries

25. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, agriculture continues to play a part in the livelihood of the local population. According to the administering Power, there is a new thrust by the territorial Government to use agriculture as an engine for economic growth. There is also a resurgence of interest being displayed by young farmers in this industry, who are now seeing it as a business opportunity instead of just as subsistence or backyard farming.

26. According to the administering Power, there are about 400 men directly employed in Anguilla's fishing industry. The Territory's resources include pelagic fish species such as dolphin, wahoo and tuna fish, as well as lobsters and crayfish. According to the administering Power, the territorial Government continues to implement plans for institutional strengthening and human resource development in order to effectively manage the fisheries and other marine resources of the island. Staff numbers at the Department of Fisheries and Marine Resources have been steadily increasing since 2005, with a slight decrease recorded in 2010. The Department of Fisheries and Marine Resources, created in 1991, is responsible for managing Anguilla's fisheries resources and for safeguarding the functional integrity of the critical marine habitats, including through the issuance of fishing and fish trapping licences.

E. Infrastructure

27. According to the administering Power, Anguilla continues to undertake projects throughout the island, including road works, port and school development, and other national infrastructure needs that fall under the responsibility of the territorial Government's Ministry of Infrastructure, Communications, Utilities, Housing, Agriculture and Fisheries. The Territory has approximately 170 kilometres of public road, approximately 80 per cent of which are paved.

28. According to the territorial Government, during 2009 approximately EC$ 0.8 million was spent on the roads development programme that focused on the upgrade or resurfacing of village roads, roads in Island Harbour, the Quarter and other roads. There was expenditure of EC$ 4.7 million on seaport development which supported the continuation and completion of three consultancies geared to providing Anguilla with modern port facilities to meet its long-term development and operational needs, including detailing the institutional requirements for a combined air and seaports authority.

29. As previously reported, the Air and Seaports Authority Act (2009) enables the territorial Government to divest itself of the operation and management of commercial ports in Anguilla, and establish a semi-autonomous entity that would operate, maintain and develop ports in Anguilla.

30. Wallblake Airport situated on the outskirts of The Valley is the sole airport on the island and serves both commercial and private airplanes, including through a fixed base operator facility. There are flights to and from the international airports of Antigua, St. Maarten, Puerto Rico and the United States Virgin Islands.

F. Communications and utilities

31. There is no public transport in Anguilla except taxis, and car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to St. Maarten/St. Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

32. According to the administering Power, the territorial Government has completed the "corporatization" of the water utility, which has been trading since mid-2009 as a State-owned water corporation. The utility is regulated by the Ministry of Infrastructure. Further, the Anguilla Electricity Company is partnering with the territorial Government in a renewable energy initiative. The territorial Government's energy policy, inter alia, aims to reduce dependence on fossil fuels for power generation and transportation, to use locally available renewable resources, such as wind and solar power, to the greatest extent possible and to support and advance a local skill base for the power generation sector.

V. Social conditions

A. General

33. According to the administering Power, Anguilla is to hold a housing and population census in 2011. In 2008, the latest year for which figures are available,

life expectancy at birth for females was estimated to be approximately 77 years, and 71 years for males.

34. Preliminary findings of the Anguilla Country Poverty Assessment project published in 2010 indicate that no percentage of the population was reported to be extremely poor or indigent, while 5.8 per cent were assessed as poor, and 17.7 per cent as vulnerable. The annualized indigence line was given as EC$ 2,602, the poverty line as EC$ 16,348, and the vulnerability line as EC$ 20,484, with the cost of the daily food basket for an adult based on 2,400 kilocalories given as EC$ 7.13.

35. Anguilla has had a social security scheme since 1982, which is overseen by the Anguilla Social Security Board. Non-contributory Old Age Pension (Amendment) Regulations and Benefits (Amendment) Regulations became effective in 2010, increasing allowances to eligible persons in need. According to media reports, the Anguilla Social Security Board has received a Certificate of Merit with Special Mention from the International Social Security Association (ISSA), the principal international institution bringing together social security agencies and organizations. Anguilla's award was bestowed for "Transparency and Accountability: Good Governance at the Anguilla Social Security Board" among the ISSA triannual awards for the Americas, recognizing the Board's annual public accountability sessions. These open sessions utilize mass media to communicate with the widest possible audience among the Anguillian public. At the sessions, the Board presents its performance report, business plan and budget, engages the public in discussion and allows them to offer their feedback. The accountability sessions are followed up with talk shows to reinforce the desired message and counter rumour and misinformation.

36. In 2010, the territorial Government worked to finalize family law reform legislation and was in the final stages of completing the first draft of a policy paper to develop a gender affairs unit in the Ministry of Home Affairs, which was expected to be established in 2011 to deal with gender and development issues and to create strong linkages with civil society.

B. Education and culture

37. The Education Department manages and oversees the education system in Anguilla, which had an estimated literacy rate of over 95 per cent for 2008, the latest available figure.

38. Education in Anguilla is free and compulsory between the ages of 5 and 17 years. The education system ranges from the pre-primary to the tertiary level. According to the administering Power, there are 11 private preschools, of which 10 are subsidized by the territorial Government. According to the administering Power, enrolment stands at approximately 440. There are eight primary schools in Anguilla: six public, one private and one private assisted. Special education services are provided at centres attached to two of the larger primary schools. Present enrolment in primary education is approximately 1,610.

39. Secondary education in Anguilla is provided at two campuses of one secondary educational institution, the Albena Lake-Hodge Comprehensive School. Alternative programmes are also offered at two separate locations through the Workshop

Initiative for Support in Education and the Pupil Referral Unit. According to the administering Power, 1,158 students were enrolled at the school.

40. According to the territorial Government, in 2009 EC$ 2.3 million were spent on improving the Territory's schools environment, specifically by the construction of additional classrooms at Valley Primary School and the upgrade of a vocational and technical facility at the Albena Lake-Hodge Comprehensive School.

41. The Professional Development Unit of the Department of Education and the University of the West Indies (UWI) Distance Education Centre provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. The UWI Centre's extension campus in Anguilla offers a range of distance education programmes to students in the Territory, based on the system used by the University of the West Indies. The Anguilla Community College was established in March 2009 in response to the Territory's increasing shortage of skilled personnel in the critically important sectors of hospitality and construction.

42. According to media reports, in 2010 the Ministry of Social Development continued its work towards the development of a cultural policy. Based on public consultations, a coherent initiative sought to articulate a strategy that is culturally sensitive and grounded on the principle that culture is inextricably linked with sustainable national development. The territorial Government declared 2 March a public holiday in honour of James Ronald Webster, Anguilla's revolutionary leader, father of the nation and first Chief Minister.

C. Public health

43. The Board of the Health Authority of Anguilla has responsibility for all primary, secondary and personal health-care services. The Ministry of Social Development is charged with regulating and monitoring the public and private health sectors, including the Health Authority of Anguilla, carrying out policymaking and regulatory functions in relation to the health service. The territorial Government's health priorities, set out in the strategic plan for health covering the period 2009-2014, include the strengthening of primary and secondary health-care services, the strengthening of the Ministry of Health's regulatory function, the development of health information systems and a strong focus on chronic non-communicable diseases and mental health.

44. The 2009 budget made provision for EC$ 16.5 million for the Health Authority. Capital estimates for the development of health services amounted to approximately EC$ 2.2 million, while EC$ 2.7 million were allocated for the capital development of the National Health Fund. According to the administering Power, efforts to establish a national health insurance scheme are ongoing.

45. There are three health centres in the Territory's three health districts, as well as one hospital, the Princess Alexandra Hospital, located in The Valley. Medical facilities are relatively limited and serious cases requiring major surgery may need to be evacuated to a neighbouring island.

D. Crime and public safety

46. According to information provided by the administering Power, the crime rate in Anguilla continued to be low when compared with regional and international standards. There was a significant reduction in violent crime on the island in 2010. Crimes against property continued to be a priority issue for the Royal Anguilla Police Force, with burglary and theft being the main offences against property. A number of armed robberies raised some concerns but they subsided following the arrest of three non-Anguillian citizens linked to the robberies.

47. As previously reported, the Royal Anguilla Police Force has a fully functioning scene-of-crime unit. With the introduction of an evidence-collection vehicle and the employment of two civilian crime-scene forensic examiners, the Royal Anguilla Police Force crime-scene examination and evidence-gathering capability has been significantly enhanced. For the first time in the island's history, in 2010 a woman was promoted to the rank of Deputy Police Commissioner.

VI. Environment

48. The Department of Environment, Department of Agriculture, Department of Fisheries and Marine Resources, and the Anguilla National Trust are the principal entities dealing with environmental issues in Anguilla. In 2009 a Climate Change Coordinating Committee was formed through the collaboration of stakeholder agencies, to mitigate various potential impacts of climate change. In 2010, the territorial Government agreed to work with the relevant United Kingdom Government departments to help manage the natural environment and the impact of climate change in the Territory, including through highlighting examples of good practices and successes already achieved in the Territory.

49. In 2010, Anguilla's National Disaster Management Committee and Department of Disaster Management continued to prepare the population to deal with natural disasters such as earthquakes. Further, Anguilla has both tropical cyclone and earthquake policies in place, with the Caribbean Catastrophe Risk Insurance Facility (CCRIF) as part of the Territory's disaster risk reduction management strategy. In September 2010, CCRIF announced that it was paying approximately US$ 4 million to the territorial Government in connection with damage resulting from Hurricane Earl which had passed through the Territory in August.

VII. Relations with international organizations and partners

50. Anguilla is a member of the Eastern Caribbean Central Bank and an associate member of the United Nations Economic Commission for Latin America and the Caribbean, the Organization of Eastern Caribbean States, the Association of Caribbean States, and the Caribbean Community and the Common Market.

51. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the administering Power, the Territory has yet to establish its relation to the European Union Economic Partnership Agreement.

52. As previously reported, the Government of Anguilla cooperates directly with other Caribbean Governments and participates in regional projects of various international organizations and agencies. For instance, Anguilla was represented at the seventh International Labour Organization meeting of Caribbean Labour Ministers held in Georgetown, Guyana, 14-16 April 2010.

VIII. Future status of the Territory

A. Position of the territorial Government

53. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in chapter II of the present paper.

B. Position of the administering Power

54. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). On 4 October 2010, the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

55. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom, inter alia, reiterated the established position of the British Government that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

56. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

57. Further, good governance had been the central theme in all constitutional talks with the Territories. The British Government had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. However, that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it, or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise the issue with the Government of that Territory and to intervene where necessary.

C. Action taken by the General Assembly

58. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly[2] and its subsequent consideration by the Fourth Committee. Section II of resolution 65/115 B concerns Anguilla. Under the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the presentation of a new constitution for public consultation in 2009 with the aim of further discussing the new constitution with the administering Power in 2010;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

4. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

5. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including fiscal matters.

[2] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 23* (A/65/23).